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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10 018,442   | 12/12/2001  | Jurgen Boy           | P01,0467            | 4531             |
| 26574  | 7590        | 06/25/2003           |                     | EXAMINER         |
| SCHIFF HARDIN & WAITE<br>6600 SEARS TOWER<br>233 S WACKER DR<br>CHICAGO, IL 60606-6473 |             |                      |                     | IIA, NGUYEN T    |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2831                |                  |

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 10/018,442      | BOY ET AL.   |
| Examiner                     | Art Unit        |              |
| Nguyen T Ha                  | 2831            |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14 and 15 is/are rejected.
- 7) Claim(s) 16-33 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/12/2001 was filed the same with the mailing date of the present application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14&15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lange et al (US 5,768,082).

Regarding claim 14, Lange et al disclose a gas-filled surge arrester comprising:

- at least two end electrodes (1&4) with a flange-like foot part (3,6);
- each foot part being soldered to an end face of a hollow cylindrical ceramic insulator (10,11), and each foot part having an electrical terminal (column 4 lines 9-10);
- said terminal (26) being a tightly fitting clip (13) having means to cause the clip to be resilient in a circumferential direction (column 4 lines 11-14);
- said clip (13) embracing a part of the axial length of the ceramic insulator adjacent the foot part, each clip having a radially projecting terminal (figure 1).

Regarding claim 15, Lange et al disclose a gas-filled surge arrester, wherein a two-legged clamp-like bend formed in said clip (figure 3).

***Allowable Subject Matter***

4. Claims 16-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 16-22, the prior art alone or in combination does not teach the limitation of a gas-filled surge arrester having each clip projecting axially beyond the foot part of the respective end electrode, the projecting region being apart of a short-circuit device electrically connected to the middle electrode.

With respect to claims 23-27, the prior art alone or in combination does not teach the limitation of a gas-filled surge arrester, wherein the clip has the form of a cap with a hollow-cylindrical edge region and a planar cover region provided with a central opening, and the means is the edge region being provided with a plurality of bead-like, circumferentially spaced impressions lying against the foot part of the respective end electrode.

With respect to claims 28-33, the prior art alone or in combination does not teach the limitation of a gas-filled surge arrester, wherein the clip projecting axially beyond a foot part of the respective end electrode, a projecting region being part of a short-circuit device electrically connected to a middle electrode and the means is a two-legged clamp-like bend.

**Citation Relevant of Prior Art**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lange et al disclose surge arrester with a gas-filled housing.
- b. Toda discloses gas filled surge arrester.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Ha whose telephone number is 703-308-6023. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 703-308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*Nguyen Ha*  
June 19, 2003

*Dean A. Reichard 6/20/03*  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800